IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2591 OF 2006

Ajay S. Mahaparle ....Petitioner
V/s.
State Bank of India ....Respondent

Mr.Abhay Kulkanri for the Petitioner.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 23RD APRIL, 2007.

P.C. :

1. The scheme for compassionate appointment which was earlier in existence and based on which the Petitioner applied, is no longer in existence. The same has been substituted under the scheme framed by the Bank known as "Scheme For Payment Of Ex-gratia Lump-sum Amount In Lieu On Compassionate Grounds In State Bank of India." dated 4th August, 2005. Clause 1 of the said Scheme sets out that the scheme replaces the existing claim for appointment on compassionate ground. The Petitioner was informed by a communication that his claim for compassionate appointment cannot be considered.

2. Petitioner relies on the judgment of the

Madhya Pradesh High Court dated 23rd June, 2003 in Writ Petition No.2410 of 2001. That Petition was disposed off based on the Scheme which is now no longer in force. Even otherwise there is no right to compassionate appointment, but a right to be considered.

3. Whether compassionate appointment should be provided is purely a policy matter for the Respondent Bank to decide. The High Court in exercise of its extra-ordinary jurisdiction cannot act as an Employer and prescribe a scheme not framed by the employer.

4. If the Petitioner is entitled to, he can apply under the scheme for ex-gratia payment and it is for the Respondents to consider and dispose of the same according to law. If such application is made, the Respondent to consider the and dispose of the same at any rate not later than sixteen weeks from the receipt of the application.

5. With the above observations, the Writ Petition is accordingly disposed of.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)